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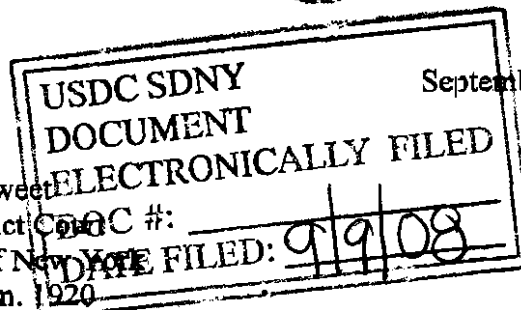
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**Via Facsimile**

Judge Robert W. Sweet  
United States District Court  
Southern District of New York  
500 Pearl Street, Rm. 1920  
New York, NY 10007



September 4, 2008



Re: *Lanzafame et al v. Tribec, Ltd. et al.*  
07-CV-3351 (Sweet, J.)  
Our File No. 4088.014

Dear Judge Sweet:

The law firm of Holm & O'Hara LLP represents the plaintiffs in the above referenced action. Counsel for plaintiffs, with the consent of counsel for defendants, David J. Aronstam, Esq., respectfully write to request a thirty (30) day extension of the discovery period in this matter, to October 15, 2008, and a sixty (60) day extension of the time for plaintiffs to make a summary judgment motion in this matter, to November 15, 2008. This is the parties' second request for an extension of the discovery period. The first extension request was granted by this Court.

On July 24, 2008, this Court ordered all discovery to be completed and all motions, except motions in limine, to be filed by September 15, 2008 (Docket # 29). During July and August of 2008, the parties engaged in extensive discovery in this matter. Although there was a delay in the production of defendant, Adam Ottavino, for a deposition, he was produced on August 13, 2008 and Plaintiffs deposed him. Plaintiffs then began preparing Requests for Admissions to be served on both defendants but were delayed in finalizing those Requests for Admission until after they received the transcript from the deposition. Plaintiffs served those Requests for Admissions on August 28, 2008, which are returnable on September 29, 2008. Defendants also served discovery demands on Plaintiffs during this time period, which are returnable on September 18, 2008. Therefore, both parties have outstanding discovery at this date.

The defendants have represented that Tribec Ltd ("Tribec") has no assets and is currently in the process of dissolving the corporation. Given these circumstances, plaintiffs have been in constant contact with the principals and attorneys for the general contractors of Tribec in an attempt to collect money from these third parties to reduce the

*S. Aronstam*  
*Sweet USDT 9.8.08*

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amount claimed by Plaintiffs in this matter. One of the general contractors has in fact remitted payment to the Plaintiffs as a result of these negotiations thereby reducing Plaintiffs' claim by \$14,029.80 and narrowing the factual issues of the pending case. In July 2008, Plaintiffs also subpoenaed documents from the project owners (NYS Department of Transportation and the NYC Department of Environmental Protection) to assist in compiling missing records that were not produced by the defendants. As a result of plaintiffs' contacts with these third parties during the months of July and August, additional records have been produced in connection with the projects at issue in this case. These records, along with sparse additional records produced by defendants, were forwarded to plaintiffs' auditors which necessitated revisions to be made to the previous audit reports for Tribec.

Plaintiffs believe that this case is determinable by motion and we intend to make a motion for summary judgment in this matter. To this end, the parties respectfully request that the Court grant their joint request to extend the close of discovery until October 15, 2008 and to extend the motions deadline to November 15, 2008.

Thank you for your consideration of this request.

Respectfully,



Carol G. Dell

cc: David Aronstam, Esq. (via facsimile)  
Santo Lanzafame (via facsimile)  
Jeremiah Sullivan (via facsimile)